

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re,	:	Chapter 11
	:	
THE ARC BUILDING LP,	:	Case No. 1:11-46388-jf
	:	
Debtors.	:	Hon. Jerome Feller
-----X	:	United States Bankruptcy Judge

**AFFIRMATION IN SUPPORT OF THE ARC BUILDING LP’S APPLICATION TO  
EMPLOY EASTERN CONSOLIDATED AS REAL ESTATE BROKER**

West 21 Debt LLC (“West 21”) a secured creditor of The Arc Building LP, (the “Debtor”) and interested party in this Chapter 11 proceeding, by and through its attorneys, Kriss & Feuerstein LLP, respectfully submits this Affirmation in Support of the Debtor’s Application for an Order to Employ Eastern Consolidated (“Eastern Consolidated”) as Real Estate Broker for the Debtor (the “Application”), and in support thereof, respectfully represents as follows:

1. An involuntary petition for relief was filed on behalf of the Debtor on July 25, 2011, and upon request of the Debtor, the case was thereafter converted to one under Chapter 11 by Order of this Court on January 30, 2012.

2. On March 14, 2012, the Debtor filed an Application to Employ Eastern Consolidated as its real estate broker, for the purposes of restructuring its debts through the formal sale of real property located at 117-119 West 21<sup>st</sup> Street, New York, New York (the “Property”).

3. Pursuant to the Application and the Listing Agreement,<sup>1</sup> annexed thereto as Exhibit “A”, the Debtor and Eastern Consolidated set forth the terms pursuant to which Eastern Consolidated would be compensated upon sale.

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<sup>1</sup> Capitalized terms used herein but not otherwise defined shall have the meanings given to them in the Debtor’s Application (as defined herein).

4. The Debtor's Application further indicates Eastern Consolidated's prior history of sales in the immediate area, and its disinterestedness with respect to the Debtor's estate.

5. The Court should grant the Debtor's request and approve the Application to employ Eastern Consolidated pursuant to the terms contained in the Listing Agreement as the Listing Agreement appears fair, equitable, to be consistent with industry standards and to be in the best interest of the Debtor, the Debtor's Estate, the Debtor's creditors, and the Committee of Unsecured Creditors (the "Committee").

6. Upon information and belief, a sale of the Property has the potential to resolve the secured claims asserted against the Debtor and the Estate by the Debtor's senior secured creditor. It would appear that the Agreement also benefits the Committee and other creditors of the Debtor's Estate by potentially making assets available to permit distributions to creditors, the Committee, and general unsecured creditors of the Debtor's Estate.

7. Finally, West 21 is familiar with Eastern Consolidated and has no objection to the Court granting the Application in its entirety.

Dated: New York, New York  
March 21, 2012

KRISS & FEUERSTEIN LLP  
*Attorneys for West 21 Debt LLC*

By: s/ Jerold C. Feuerstein  
Jerold C. Feuerstein (JF9829)  
360 Lexington Avenue, Suite 1200  
New York, New York 10017  
(212) 661-2900

TO:

**Richard W. Cohen, Esq.**

*Attorney for Official Committee of Unsecured Creditors*  
Lowey Dannenberg Cohen & Hart, P.C.  
One North Broadway  
White Plains, NY 10601-1714

**Bruce Weiner, Esq.**

*Attorney for Petitioning Creditors*  
*Empire State Land Survey, JM Bluestar Inc.,*  
*Jerome Lutnick CPA, Kinitex LLC, Municipal*  
*Building Councul, Nobutaka Ashihara Assoc.,*  
*Phoenix Design Development, Phoenix Groups*  
*Design Bld., Phoenix Realty Holdings L., and*  
*Soil Mechanics Drilling C.,*  
26 Court Street, Suite 2211  
Brooklyn, New York 11242

**The Arc Building LP**

*Debtor*  
301 Washington Avenue  
Brooklyn, New York 11201

**Kevin J Nash, Esq.**

*Proposed Counsel to the Debtor*  
Goldberg Weprin Finkel Goldstein LLP  
1501 Broadway  
22nd Floor  
New York, NY 10036

**U.S. Trustee**

*United States Trustee*  
271 Cadman Plaza East, Suite 4529  
Brooklyn, New York 11201